



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of:

Ashkenazi, et al.

Application Serial No. 09/990,711

Filed: November 14, 2001

For: **SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

) Examiner: Kemmerer, Elizabeth

) Art Unit: 1646

) Confirmation No: 4031

) Attorney's Docket No. 39780-2730 P1C2

) Customer No. 35489

EXPRESS MAIL LABEL NO. EL 993 631 528 US

DATE MAILED: August 3, 2005

NOTICE OF APPEAL

Commissioner for Patent -- **MAIL STOP AF**

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated December 30, 2004 of the Primary Examiner finally rejecting Claims 72-79 and 82-84. The item(s) marked below are appropriate:



Filing Fee:



\$500.00 (large entity)



Time Extension Fee (if applicable):



Three Month (Large Entity - \$1,020.00)



The Commissioner is authorized to charge filing fee, additional fees or credit overpayment to Deposit Account No. 08-1641 (39780-2730 P1C2).

Date: August 3, 2005

HELLER EHRMAN LLP
275 Middlefield Road
Menlo Park, California 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638
SV 2142659 v1
8/3/05 2:25 PM (39780.2730)

By:

Daphne Reddy (Reg. No. 53,507)

(43-626)

on behalf of

Daphne Reddy

08/08/2005 EFLORES 00000059 081641 09990711

01 FC:1401 500.00 DA

08/08/2005 EFLORES 00000059 081641 09990711

Please type a plus sign (+) inside this box ☐

+

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/990,711
Filing Date	November 14, 2001
First Named Inventor	AVI ASHKENAZI
Group/Art Unit	1646
Examiner Name	Kemmerer, Elizabeth

Total Number of Pages in This Submission

3

Attorney Docket Number

39780-2730 P1C2

ENCLOSURES (check all that apply)

- ☒ **FEE TRANSMITTAL FORM**
 - ☐ Fee Attached
 - ☐ Amendment / Response
 - ☐ After Final
 - ☐ Version With Markings Showing Changes
 - ☐ Affidavits/declaration(s)
- ☒ **EXTENSION OF TIME REQUEST (3 MONTHS - \$1,020.00)**
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
 - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Copy of Notice

- ☐ Copy of an Assignment
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers
- ☐ Terminal Disclaimer
- ☐ Small Entity Statement
- ☐ Request for Refund

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☒ **NOTICE OF APPEAL**

☐ Additional Enclosure(s) (please identify below):

☒ **STAMPED RETURN POSTCARD**

Remarks

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-2730P1C2.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	HELLER EHRMAN LLP 275 Middlefield Road, Menlo Park, California 94025	PANPAN GAO (Reg. No. 43,626) Telephone: (650) 324-7000	Facsimile: (650) 324-0638
Signature			
Date	August 3, 2005	Customer Number:	35489

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP AF, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: August 3, 2005**

Express Mail Label **EL 993 631 528 US**

Typed or printed name	Elena Torres		
Signature		Date	August 3, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**FREE TRANSMITTAL
for FY 2005**

Effective 12/08/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,520.00)

Complete if Known

Application Number	09/990,711
Filing Date	November 14, 2001
First Named Inventor	Ashkenazi, et al.
Examiner Name	Kemmerer, Elizabeth
Art Unit	1646
Attorney Docket No.	39780-2730P1C2

METHOD OF PAYMENT (check one)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number **08-1641 (Docket No. 39780-2730P1C2)**Deposit Account Name **Heller Ehrman LLP**

The Commissioner is authorized to: (check all that apply)

- ☒ Charge fee(s) indicated below ☒ Credit any overpayments
- ☒ Charge any additional fee(s) during the pendency of this application
- ☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	300	2001	150	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	x	=
Independent Claims	-3** =	x	= 0
Multiple Dependent			= 0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	**Reissue independent claims over original patent
1205	50	2205	25	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	1,020.00
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500.00
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1460		1460		Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1,520.00)

SUBMITTED BYName (Print/Type) **PANPAN GAO, ESQ.**Registration No. **43,626**
(Attorney/Agent)**Complete (if applicable)**Telephone **650-324-7000**

Signature

Date **AUGUST 3, 2005**Customer No. **35489**